

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DONTE DONELL GRIMES,

Petitioner,

v.

Civil Action No. 3:17CV603

COMMONWEALTH OF VIRGINIA,

Respondent.

**MEMORANDUM OPINION
(Granting Motion to Dismiss and Denying 28 U.S.C. § 2254 Petition)**

Donte Donell Grimes, a Virginia inmate proceeding *pro se*, brings this petition pursuant to 28 U.S.C. § 2254 (“§ 2254 Petition,” ECF No. 1).¹ After a bench trial, Grimes was convicted in the Circuit Court for the City of Norfolk (“Circuit Court”) of two counts of robbery, one count of attempted robbery, three counts of conspiracy to commit robbery, three counts of use of a firearm during the commission of a felony, one count of possession of a firearm by a convicted felon, and one count of wearing a mask in public. (ECF No. 8, at 1.) In his § 2254 Petition, Grimes asserts that he entitled to relief because the Circuit Court erred when it failed to grant his motion for a new trial. (§ 2254 Pet. 5.) Grimes relies entirely upon Virginia law with respect to this claim.


In order to obtain federal habeas relief, at a minimum, a petitioner must demonstrate that he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). Because Grimes fails to allege any basis for

¹ The Court employs the pagination assigned to the § 2254 Petition by CM/ECF.

federal habeas relief, his § 2254 Petition will be denied. *See Estelle v. McGuire*, 502 U.S. 62, 67–68 (1991). The Motion to Dismiss (ECF No. 7) WILL BE GRANTED. The action WILL BE DISMISSED. A certificate of appealability WILL BE DENIED.

An appropriate Order will accompany this Memorandum Opinion.

Date: April 25, 2018
Richmond, Virginia

/s/ 

Roderick C. Young
United States Magistrate Judge